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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,568	09/27/2001	Armenag Hagop Dekmezian	2000U027CIP.US	4321

25959 7590 10/08/2003

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EXAMINER

RABAGO, ROBERTO

ART UNIT PAPER NUMBER

1713

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,568

Applicant(s)

DEKMEZIAN ET AL.

Examiner

Rob Rábago

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Restriction/Election

1. Applicants have confirmed that a provisional election of group I, claims 1-8 and 21-28, was made on 1/27/2003. However, in the response filed 7/15/2003, a request was made to shift the election to group II, claims 9-20. This request is denied (MPEP 819). Applicants have already received a complete action on the elected claims, and contrary to applicants' statements, work would be dramatically increased in this application if a shift were permitted because an entirely new search and consideration of the currently non-elected claims would be required. As set forth in item 10 below, this action is being made final and will close prosecution. Therefore, applicants will be entitled to file a request for continued examination (RCE) in response to this Office action. Although the filing of an RCE does not, as a matter of right, permit applicants to shift an election, applicants are advised herein that if prosecution is reopened as a result of the filing of an RCE, a shift will be permitted if such action is still desired, and a new search and consideration of the claims of group II will be made (MPEP 819.01). If an RCE is filed and a shift is desired, such should be clearly stated in accompanying remarks; otherwise, continued examination of the previously elected claims will be made.

Specification

2. The specification is objected to for the reasons set forth in item 2 of the Office action mailed 2/5/2003.

Applicants' proposed amendment to the specification in the response filed 7/15/2003 has not been entered because no paragraph begins at the requested location. It would appear that applicants should have indicated insertion of the replacement paragraph at page 8, line 1.

Claim Objections

3. Claims 2-8 and 25-28 are objected to for the reasons set forth in item 3 of the Office action mailed 2/5/2003.

Claim Rejections - 35 USC § 112

4. Claims 1-8 and 21-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the reasons set forth in item 5 of the Office action mailed 2/5/2003.

Claim Rejections - 35 USC § 102

5. Claims 2-6 and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lue et al. (US 6,207,606) for the reasons set forth in item 7 of the Office action mailed 2/5/2003.

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6. Claims 2-4, 6 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Holtcamp et al. (US 6,420,580) for the reasons set forth in item 8 of the Office action mailed 2/5/2003.

7. Claims 2-4 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Crowther et al. (US 6,339,134) for the reasons set forth in item 9 of the Office action mailed 2/5/2003.

Double Patenting

8. Claims 1-8 and 21-28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5-8 and 21-24 of copending Application No. 09/680,644 for the reasons set forth in item 11 of the Office action mailed 2/5/2003.

9. By way of reply to the Office action mailed 2/5/2003, applicants have requested a shift in the elected invention in view of similar claims in a copending application. However, as previously discussed in item 1 above, this request has been denied. As applicants have provided no further discussion of the content of the outstanding objections and rejections, no further comment herein is required.

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Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

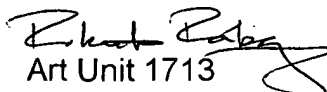
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rábago whose telephone number is (703) 308-4347. The examiner can normally be reached on Monday - Friday from 7:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached at (703) 308-2450. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

ROBERTO RABAGO
PATENT EXAMINER


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RR
October 6, 2003